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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,915	01/18/2002	Robert Nathaniel Bonini	921.0001USU	9097

7590 12/05/2003

Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10 Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

CORBETT, MITCHELL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,915

Applicant(s)

BONINI, ROBERT NATHANIEL

Examiner

Mitchell J Corbett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5. 6) ☐ Other:

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 7, wherein the video camera comprises an infrared camera, is not disclosed in the specification

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (US 6,141,530) in view of Ruybal et al. (Ruybal) (US 5,801,754), and further in view of Chaum (US 5,959,717).

Considering claim 1, Rabowsky discloses a digital content distribution and viewing system comprising a source of pre-recorded content (column 1, lines 48-51),

and a transport mechanism for distributing the content to a plurality of theater locations to be viewed by an audience (column 1, lines 61-67).

Although Rabowsky suggests sending data from the plurality of theaters to the source (column 2, lines 3-4), he fails to specifically suggest a video camera for monitoring and generating a monitoring video signal of the audience under low-light conditions as recited in the claim.

Ruybal discloses an interactive theater network system which also contains a video camera for monitoring and generating a monitoring video signal of the audience (column 5, lines 5-16), for the purpose of gauging audience reaction within the theater. Ruybal, however, fails to specifically disclose the use of said video camera under low-light conditions.

In a related art, Chaum (US 5,959,717) discloses a motion picture monitoring system in which a low-light camera is provided in the theater (column 9, lines 46-54), for the advantage of effectively monitoring the audience without lighting distractions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rabowsky's system to include a video camera, as taught by Ruybal, for the purpose of gauging audience reaction within the theater.

Additionally, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky and Ruybal to include a system comprising a low-light video camera for monitoring and the generation of a monitoring video signal of the audience, as taught by Chaum, for the purpose of effectively gauging audience reaction without lighting distractions.

As for claim 2, the combined systems of Rabowsky, Ruybal, and Chaum disclose a backchannel for transporting the monitoring video signal to one or more locations. In particular, Rabowsky discloses a reverse channel (i.e. backchannel) in column 2, lines 3-4. Further, Ruybal discloses a system whereby a backchannel (see video return system 28, column 5, lines 4-10) is provided for transporting the monitoring video signal to one or more locations (column 5, lines 24-30), for the advantage of providing audience feedback to the content provider.

As for claim 8, the combined systems of Rabowsky, Ruybal, and Chaum teach the broadcast of pre-recorded content (Rabowsky, column 1, lines 48-51) and live content (Ruybal, column 3, lines 43-50).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Ruybal, and further in view of Chaum, as applied to claims 1 and 2 above, and further in view of Srinivasan et al. (Srinivasan) (US 20010023436 A1).

Considering claim 3, the combined systems of Rabowsky, Ruybal, and Chaum disclose a digital video distribution and viewing system comprising a backchannel for transporting a monitoring video signal to one or more locations. Rabowsky, Ruybal, and Chaum fail to specifically disclose a system wherein said backchannel is the Internet, as recited in the claim.

Srinivasan discloses an interactive video system in which a backchannel is utilized to provide two-way communication between the subscriber and the transmission system, wherein said backchannel is the Internet (paragraph 201), for the advantage of providing a ubiquitous and cost-efficient method for two-way communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky, Ruybal, and Chaum to include a system in which the backchannel comprises the Internet, as taught by Srinivasan, for the advantage of providing a ubiquitous and cost-efficient method for two-way communication.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Ruybal, and further in view of Chaum, as applied to claim 1 above, and further in view of Mercs et al. (Merces) (US 6,384,893).

Considering claim 4, the combined systems of Rabowsky, Ruybal, and Chaum disclose a digital video distribution and viewing system for providing content to a plurality of theaters. Although Rabowsky teaches a store-and-forward server for receiving the digital content (column 10, lines 13-15), the Rabowsky, Ruybal, and Chaum fail to specifically disclose a system further comprising at least one script for controlling an action of the theater which is associated with the viewing of content, as recited in the claim.

Merces discloses a digital movie networking system further comprising a script for controlling an action of the theater which is associated with the viewing of said digital

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content (column 3, lines 6-13, column 5, lines 46-58, and column 6, lines 2-3), for the advantage of automating the actions of the theater and synchronizing them with the playing of the received digital content.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky, Ruybal, and Chaum to include a system further comprising at least one script for controlling an action of the theater which is associated with the viewing of content, as taught by Mercs, for the advantage of automating the actions of the theater and synchronizing them with the playing of received digital content.

As for claim 5, the combined systems of Rabowsky, Ruybal, Chaum, and Mercs disclose a system whereby the backchannel is used to transport a log descriptive of said theater action to a remote site (see cinema controller in Mercs, column 7, lines 24-34).

Considering claim 6, the combined systems of Rabowsky, Ruybal, and Chaum disclose a system whereby a monitoring signal is utilized for sending images generated by a video camera. Rabowsky, Ruybal, and Chaum fail to disclose a system whereby said monitoring signal is combined with a timestamp associated with the digital content for synchronizing the monitoring signal with said content distributed to a theater, as recited in the claim.

Mercs discloses a digital movie networking system comprising a cinema controller which uses a timestamp associated with the digital content for synchronizing monitoring data to said content (see controller clock in Mercs, column 4 lines 7-12 and 34-40), for the purpose of accurately associating monitoring data with its corresponding source.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky, Ruybal, and Chaum to include a system whereby said monitoring signal is combined with a timestamp associated with the digital content for synchronizing the monitoring signal with said content distributed to a theater, as taught by Mercs, for the purpose of accurately associating monitoring data with its corresponding source.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Ruybal, and further in view of Chaum, as applied to claim 1 above, and further in view of Hobson et al. (Hobson) (US 6,317,152).

Considering claim 7, the combined systems of Rabowsky, Ruybal, and Chaum disclose a digital video distribution and viewing system for providing content to a plurality of theaters, and further disclose a monitoring signal comprising a video camera capable of functioning under low-light conditions. Rabowsky, Ruybal, and Chaum fail to disclose a system whereby the video camera comprises an infrared camera, as recited in the claim.

Hobson discloses a digital video system in which a camera is used to monitor the user. Hobson further teaches a video camera additionally comprising an infrared camera (column 3, lines 58-62), for the advantage of more accurately monitoring the audience under low-light conditions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky, Ruybal, and Chaum to include a system further comprising an infrared video camera, as taught by Hobson, for the advantage of more accurately monitoring the audience under low-light conditions.

7. Claim 8 is *alternatively* rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Ruybal, and further in view of Chaum, as applied to claim 1 above, and further in view of Wakai et al. (Wakai) (US 5,973,722)

Considering claim 8, the combined systems of Rabowsky, Ruybal, and Chaum disclose a digital video distribution and viewing system for providing content to a plurality of theaters. Rabowsky, Ruybal, and Chaum fail to disclose a system wherein said digital content is video games, as recited in the claim.

Wakai teaches a digital broadcast distribution which includes a variety of content, including live content, pre-recorded content, and video games (column 2, lines 22-25), for the advantage of providing a variety of multimedia services to its customers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky, Ruybal, and Chaum to include a system wherein said digital content is selected from a group consisting of pre-

recorded content, live content, and video games as taught by Hobson, for the advantage of providing a variety of multimedia services to its customers.

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Ruybal, and further in view of Chaum, as applied to claim 1 above, and further in view of Nanos et al. (Nanos) (US 6,381,744).

Considering claim 9, Rabowsky, Ruybal, and Chaum disclose a digital video distribution and viewing system for providing content to a plurality of theaters. Although Ruybal discloses a further embodiment of the system which enables interactive audience response associated with the received digital content at an at least one theater location (column 4, lines 42-59), Rabowsky, Ruybal, and Chaum fail to disclose a form generator, which generates a form transported to at least one location, and a data collection device for receiving said generated form, as recited in the claim.

In a related art, Nanos discloses an automated survey system whereby a form generator which generates forms to a plurality of locations, and a data collection device for receiving said form at an at least one location (column 4, lines 47-61), for the purpose of providing interactive customer response.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky, Ruybal, and Chaum to include a system whereby a form generator generates forms to a plurality of locations and a data collection device for receiving said form at an at least one location as taught by Nanos, for the purpose of providing interactive customer response.

As for claim 10, the combined systems of Rabowsky, Ruybal, Chaum, and Nanos disclose a data collection device which receives user input for registering user response to said form (Nanos, column 6, lines 4-11).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Ruybal, and further in view of Chaum, as applied to claim 1 above, and further in view of Nanos, as applied to claim 9 above, and further in view of Toan et al. (Toan) (US 2002/0095316).

Considering claim 11, Rabowsky, Ruybal, Chaum, and Nanos disclose a digital video distribution and viewing system, further comprising a form generator and data collection device user to provide customer response to received content. Although Nanos suggests the use of any type of communication network, including a wireless cellular network to receive data collection device content (Nanos, column 7, lines 3-13), Rabowsky, Ruybal, Chaum, and Nanos fail to specifically disclose the reception of said content through the use of a group consisting of a mobile phone, a personal digital assistant (PDA), a pager, and a portable computer, as recited in the claim.

In a related art, Toan discloses a data survey system in which said data collection device content can be received through the use of a group including mobile phone, PDA, a pager, and portable computer (paragraph 0106), for the advantage of providing a variety of convenient methods to receive customer feedback.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems of Rabowsky, Ruybal, Chaum, and Nanos to include the reception of said data collection device content through the use of a group consisting of a mobile phone, a personal digital assistant (PDA), a pager, and a portable computer as taught by Toan, for the advantage of providing a variety of convenient methods to receive customer feedback.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Son et al. (Son) (US 6,229,895).

Considering claim 12, Rabowsky discloses a digital content distribution and viewing system comprising a source of pre-recorded digital content (column 1, lines 48-60); a transport mechanism for distributing digital content to a plurality of theater locations (column 1, lines 61-67) in an encrypted format (column 10, lines 13-15); said theater locations with equipment enabling said content to be viewed by an audience (column 10, lines 34-46); a store and forward server at theater locations for receiving and decrypting said digital content (column 10, lines 13-15); the transmission of the encrypted content to the input of a digital projection system which is coupled to the output of said store and forward server (column 10, lines 26-28 and 54-58).

Rabowsky fails to specifically disclose said store and forward server as additionally decrypting said received digital content and re-encrypting content using a second encryption technique before retransmitting, as recited in the claim.

In a related art, Son discloses a secure video-on-demand (VOD) system in which a storage server device receives content in a first encrypted technique, and upon request, decrypts said digital content and re-encrypts the content in a second encrypted form before retransmission of said content (column 1, lines 31-40), for the advantage of providing additional security between the server and the display means.

It would have been obvious to one of ordinary skill at the time of invention to modify Rabowsky's system to include said store and forward server as additionally decrypting said received digital content and re-encrypting content using a second encryption technique before retransmitting, for the advantage of providing additional security between the server and the display means.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Son et al. (Son) (US 6,229,895).

Considering claim 13, Rabowsky discloses a digital content distribution and viewing system comprising a source of pre-recorded digital content (column 1, lines 48-60); a transport mechanism for distributing digital content to a plurality of theater locations (column 1, lines 61-67) in an encrypted format (column 10, lines 13-15); said theater locations with equipment enabling said content to be viewed by an audience (column 10, lines 34-46); a store and forward server at theater locations for receiving digital content (column 10, lines 13-15); the transmission of encrypted content to the input of a digital projection system which is coupled to the output of said store and forward server (column 10, lines 26-28 and 54-58).

Rabowsky fails to specifically disclose an interface module which decrypts said digital content and re-encrypts it using a second technique before retransmitting said content, as recited in the claim.

Son teaches a secure VOD system which contains an interface module (see distribution center 106, column 3, lines 5-10) which decrypts the first encrypted signal and re-encrypts the content using a second technique before retransmitting (column 3, lines 1-14), for the advantage of providing additional security between the server and the display means.

It would have been obvious to one of ordinary skill at the time of invention to modify Rabowsky's system to include an interface module which decrypts said digital content and re-encrypts it using a second technique before retransmitting said content), for the advantage of providing additional security between the server and the display means.

Conclusion

12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitchell J Corbett whose telephone number is (703) 305-8982. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-HELP.

Mitchell Corbett
Patent Examiner
AU 2614

MJC


CHRIS GRANT
PRIMARY EXAMINER